

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AVIO, INC.,

Plaintiff,

No. 10-10221

v.

District Judge Gerald E. Rosen
Magistrate Judge R. Steven Whalen

ALFOCCINO OF AUBURN HILLS,
INC., ET AL.,

Defendants.

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ORDER

For the reasons and under the terms stated on the record on July 16, 2013, Defendants' Motion to Compel More Responsive Answers to Discovery [Doc. #55] is GRANTED IN PART AND DENIED IN PART, as follows:

Interrogatory #2: GRANTED IN PART. Plaintiff will clarify whether or not it presently has responsive information as to additional devices. If it does not, Plaintiff is under a duty to supplement its response as it becomes aware of additional information.

Interrogatory #6: DENIED.

Interrogatory #7: GRANTED.

Interrogatory #13: DENIED.

Interrogatory #15: DENIED.

Interrogatory #16: DENIED.

Request for Production #1: GRANTED IN PART. Plaintiff will clarify whether or not it presently has responsive information as to additional devices. If it does not, Plaintiff is under a duty to supplement its response as it becomes aware of additional

information.

Request for Production #3: DENIED.

Request for Production #13: GRANTED. Plaintiff will make a diligent and good faith investigation as to whether the original facsimiles received contain headers and/or footers, or any additional material not shown in the facsimiles contained in Exhibit A to Plaintiff's Amended Complaint, or whether original facsimiles differ in any way from the facsimiles contained in Exhibit A to Plaintiff's Amended Complaint. If the original facsimiles received in fact differ, they shall be produced to Defendants. If the original facsimiles do not differ, i.e., if the facsimiles in Exhibit A reflect the originals as received, Plaintiff will so certify.

Request for Production #14: DENIED.

Request for Production #15: DENIED.

Request for Production #19: GRANTED. As discussed on the record on July 16, 2013, Plaintiff will produce the identifying information as to the specific facsimile numbers that were previously produced.

Request for Production #20: RESOLVED PRIOR TO HEARING.

Request for Production #21: GRANTED IN PART. Plaintiff will produce every solicitation letter or "marketing letter" authored by any lawyer associated with Anderson & Wanca and Bock & Hatch that were sent to any individual or entity between 12 months prior to the filing of the Complaint in this case and the present, and that are related to the specific claims in this case.

Request for Production #22: DENIED.

Request for Production #23: RESOLVED.

Request to Admit #3: GRANTED.

Request to Admit #8 DENIED.

All discovery ordered herein shall be produced within 30 days of the date of this Order.

IT IS SO ORDERED.

Dated: July 16, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on July 16, 2013, electronically and/or by U.S. mail.

s/Michael Williams
Relief Case Manager to the
Honorable R. Steven Whalen